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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No. 02-1031-A)

In re Application of:	)	
	)	
Engel, et al.	)	
	)	
Serial No.: 10/673,054	)	Examiner: Vanessa L. Ford
	)	
Filed: September 26, 2003	)	Art Unit: 1645
	)	
For: Cell Lysis Composition, Methods of Use,	)	Confirmation No. 1228
Apparatus, and Kit	)	

**RESPONSE TO OFFICE ACTION DATED AUGUST 26, 2005**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action dated August 26, 2005, please consider the following amendments and discussion below. A Petition for an extension of time (two months) and Notice of Appeal is attached.

An "Amendment to the Claims" section can be found on page 2.

A "Remarks" section can be found on page 8.

motivation in the art to make that combination. Thus, applicants respectfully request favorable reconsideration of claims 1 and 67.

For the same reasons, applicants respectfully request favorable reconsideration of dependent claims 2-29, 68-77, 79, and 122-124. That is, the combinations used to reject the dependent claims have been created using the same logic. Moreover, since the dependent claims depend from either claim 1 or 67, they are patentable for the reasons stated above.

Accordingly, withdrawal of the § 103 rejection of the claims based on Shultz and Chu is in order and is respectfully requested.

#### IV. Conclusion

In light of the above discussion and amendment, the Applicants submit that the claims are in allowable condition. A Notice to this effect is respectfully requested.

Reconsideration of this application is respectfully requested and a favorable determination is earnestly solicited. The Examiner is invited to contact the undersigned representative if the Examiner believes this would be helpful in expediting the allowance of this application.

Respectfully submitted,

Dated: Jan. 25, 2006

  
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Emily Mia  
Reg. No. 35,285

McDonnell Boehnen  
Hulbert & Berghoff, Ltd.  
300 South Wacker Drive  
Chicago, IL 60606  
Telephone: 312-913-0001  
Facsimile: 312-913-0001

JAN 25 2006  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 02-1031-A)

PATENT

In re Application of:

Engel, et al.

Serial No. 10/673,054

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For: Cell Lysis Composition, Methods of Use,  
Apparatus, and Kit

Examiner: Vanessa L. Ford

Group Art Unit: 1645

Confirmation No.: 1228

**TRANSMITTAL LETTER**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a) Notice of Appeal;
- b) Response to Office Action dated August 26, 2005;
- c) Petition for Two Month Extension of Time Under 37 CFR 1.136(a); and
- d) Return Receipt Postcard

2. With respect to fees:

- a) A check in the amount of \$450.00 is enclosed.
- b) General Authorization: Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee", addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25 day of January, 2006 under the Express Mail Label No. EV596651004US.

Respectfully submitted,

Date: Jan. 25, 2006

  
Emily Miao

Registration No. 35,285

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, Illinois 60606  
Telephone: 312-913-0001  
Facsimile: 312-913-0002